

United States District Court

WESTERN DISTRICT OF NEW YORK

Shane C. Buczek

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 10-CV-382

v.

Constructive Statutory Trust;
et al,

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the Petition, Amended Petition, and all of the habeas claims raised in the Motion for Leave to Amend are converted to applications under 28 U.S.C 2255. That the Government's Motion to Dismiss is granted and the Petition, Amended Petition are dismissed with prejudice. That all of habeas claims raised in the Motion for Leave to Amend are denied with prejudice. That Petitioner's Motion for Leave to Amend is granted insofar as all respondents except the United States of America are dismissed from this action.

That Petitioner's Motion for Judgment on the Pleadings; Motion to Take Judicial Notice of the Determination by the Department of Justice that "Title 18 (1948) [sic] is Unconstitutional and of the Fair Warning Doctrine"; and "Motion/Petition for Determination of a Question of Jurisdiction" are dismissed as moot.

A certificate of appealability shall not issue and leave to appeal as a poor person from this Decision and Order is denied.

Date: September 30, 2011

MICHAEL J. ROEMER, CLERK

By:s/ Diane Radloff
Deputy Clerk